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April 9, 2014

**VIA ECF & FAX**

Hon. Alvin K. Hellerstein  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

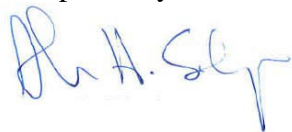
Re: **Fox News Networks, LLC v. TVEyes, Inc., No. 13 Civ. 5315 (AKH)**

Dear Judge Hellerstein:

We represent defendant TVEyes, Inc. ("TVEyes") in the above-captioned action and write concerning the Court's order dated April 8, 2014 [Dkt. 20] (the "Order") permitting the parties to submit expert testimony addressing "the effect of the use upon the potential market for or value of the copyrighted work." 17 U.S.C. § 107(4).

In light of the Order, TVEyes respectfully renews its request to conduct a 30(b)(6) deposition of Fox News Network, LLC ("Fox") on the same narrow issue—that is, "the effect of the use upon the potential market for or value of the copyrighted work." This 30(b)(6) deposition is necessary so that TVEyes can inquire about topics highly relevant to that question, including, *inter alia*, revenue derived by Fox from advertising on the [foxnews.com](http://foxnews.com) and [foxbusiness.com](http://foxbusiness.com) websites; and (2) revenue derived by Fox allegedly pertaining to the copyrighted works at issue. TVEyes has not had the opportunity to question Fox on either of these topics, nor regarding documents from Fox's files relating to these topics. Further, TVEyes has not had the opportunity to determine Fox's plans to offer or develop a media-monitoring service, which is relevant to the fourth fair-use factor. TVEyes therefore respectfully requests the Court's permission to take a single 30(b)(6) deposition of Fox.

Respectfully submitted,



Andrew Schapiro

cc: Fox's counsel of record (via ECF & fax)

**quinn emanuel urquhart & sullivan, llp**

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